

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

U.S. BANK, NATIONAL ASSOCIATION,  
in its capacity as Trustee, JOSHUA N.  
TERRY, AND ACIS CAPITAL  
MANAGEMENT, L.P.,

*Plaintiffs,*

v.

THE CHARITABLE DONOR ADVISED  
FUND, L.P., CLO HOLDCO LTD., AND  
NEXPOINT STRATEGIC  
OPPORTUNITIES FUND,

*Defendants.*

No. 1:21-cv-11059 (GHW-JLC)

**Notice of Motion to Dismiss**

**PLEASE TAKE NOTICE**, that upon the accompanying Memorandum of Law and the supporting declaration of Mark Patrick with exhibits annexed thereto, defendants, The Charitable Donor Advised Fund, L.P., and CLO Holdco, Ltd., hereby moves this Court before the Honorable Gregory H. Woods, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order, pursuant to Federal Rules of Civil Procedure 12(b) (1), (6) and 17 (a), dismissing the Amended Complaint in its entirety as to these defendants, and granting such other and further relief as the Court deems just and proper.

Dated: April 18, 2022

Respectfully submitted,

/s/ Lindsey R. Skibell

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**The Charitable Donor Advised Fund,  
L.P., and CLO Holdco, Ltd.**